

Before the State of South Carolina  
Department of Insurance

In the matter of:	)	
	)	File Number 105530
Jermaine Terrell Walker	)	
	)	Default Order Revoking
	)	Resident Insurance Agent's License
4747 Lambs Road	)	
North Charleston, S.C. 29418	)	
_____	)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon James Terrell Walker by both certified mail, return receipt requested, and by regular mail on December 2, 2000.

By that letter, Walker was informed of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. Further, he was warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. Walker, by his letter dated December 4, 2000 requested a public hearing. Upon receipt of Walker's request for a public hearing the Department filed its agency transmittal form together with a copy of Walker's letter requesting a hearing to the South Carolina Administrative Law Judge Division. On December 29, 2000 the Honorable Ray N. Stevens, Administrative Law Judge was assigned to preside in this matter by order of the Honorable Marvin F. Kittrell, Chief Administrative Law Judge. On January 3, 2001 Judge Stevens issued a procedural order requiring the parties to file a "Prehearing Statement" within 15 days of the date of his order. The parties were warned that failure to comply with the order might result in a dismissal adverse to the party failing to comply. Pursuant to the order the Department filed a Prehearing Statement with the Court and mailed a copy to Walker. **Despite the warning in Judge Stevens Procedural Order, as well as a follow up letter sent by Judge Stevens on January 31, 2001 advising Walker that his Prehearing Statement was past due, reminding him that failure to comply might result in default and dismissal of the case adversely to his interest and giving him an extension until February 8, 2001 to file the Prehearing Statement, Walker failed to file a Prehearing Statement with the Court. On February 9, 2001 an Order of Dismissal for Default was signed by Judge Stevens and filed with the Court. The Order dismissed the case and ordered the South Carolina Department of Insurance to proceed to take all actions consistent with a default by Respondent.** The entire matter was thereafter submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina, Walker was convicted by the South Carolina Circuit Court of General Sessions, Charleston County, of "Possession of Crack Cocaine" in The State v. Walker (Criminal) Docket Number 99-GS-10-6060.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent has been convicted of a crime involving moral turpitude..." The crime of Possession of Crack Cocaine involves moral turpitude. In re State v. Major, 301 S.C. 181, 391 S.E.2d 235 (1990).

In accordance with my findings of fact, and considering Walker's failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that Walker was convicted of a crime of moral turpitude, and that his resident insurance agent license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that Jermaine Terrell Walker's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Walker is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in black ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

12 February 2001, at  
Columbia, South Carolina